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REMARKS

This paper is responsive to the Non-Final Office Action dated March 1, 2006. Claims 1-32 were examined, all of which were rejected.

In the present Office action: claims 29-32 were rejected under 35 U.S.C. §112, first paragraph; claims 1-2, 4-11, 13-24 and 26-28 were rejected under 35 U.S.C. §102(a) U.S. Patent No. 6,829,713 (hereinafter "Cooper"); and claims 3, 12, 25 and 29-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cooper.

By way of the present amendment claims 11-13, 20, 25, and 29-32 are being canceled.

The rejection of claims 29-32 under 35 U.S.C. § 112 is rendered moot in view of their cancellation.

Applicants submit that independent claims 1, 10, 19 and 23, as amended, are not anticipated or obvious in view of Cooper. More specifically, with respect to claim 1, while Cooper discloses a technique that may skip a performance state, depending upon CPU utilization, Cooper does not teach or suggest *each time the computing system determines that a higher performance state is required based on the determined utilization while in each of the other performance states, changing to a predetermined performance state, skipping all intermediate performance states between a current performance state and the predetermined performance state*. The predetermined performance state is the maximum performance state or a near maximum performance state. Instead Cooper teaches in Fig. 6 that one of the states 616 and 620 is a higher performance state than the other (regardless of which one is the higher state), and each of those states can be entered from the other state based on the utilization. That is, Cooper can go to a higher performance state based on both the 95% threshold and the 20% threshold. Thus, applicants respectfully submit that Cooper does not teach always going to the maximum or near maximum performance state while in each of the states when a performance increase is required.

With respect to independent claim 10, Cooper does not teach or suggest a computing system that is operable, each time the computing system determines that a higher performance state is required while in each of the multiple lesser performance states, to change to the

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maximum performance state, skipping any intermediate performance states between a current one of the multiple lesser performance states and the maximum performance state. As pointed out above, Cooper, assuming that one of the 616 and 618 is a higher performance state than the other, goes either to 616, 618, or 610 (the highest performance state) from 616 and 618 based on the determined utilization. Thus, Cooper sometimes goes to other than the maximum performance state 610 when the computing system determines that a higher performance state is required than the current state.

With respect to independent claim 19, applicants submit that Cooper does not teach means for changing, while in each of the performance states other than a maximum performance state, from a current performance state to the maximum performance state, skipping all intermediate performance states between the current performance state and the maximum performance state, each time the computing system determines that a higher performance is required based on the determined utilization. As pointed out above, Cooper goes either to states 616, 618, or 610 from states 616 and 618 based on the determined utilization. Thus, Cooper sometimes goes to other than the maximum performance state when the computing system determines that a higher performance state is required.

With respect to claim 23, applicants respectfully submit that Cooper fails to teach an instruction sequence operable to change from a current one of the lower performance states to the maximum performance state, skipping any performance state between the current one of the lower performance states and the maximum performance state, in response to each determination that a performance increase is required while in each of the lower performance states. As pointed out above, Cooper, can go either to state 616, 618, or 610 (the highest performance state) from states 616 and 618 based on the determined utilization. Thus, Cooper sometimes goes to other than the maximum performance state 610, i.e., to states 616 or 618, when Cooper determines that a higher performance state is required. Thus, applicants submit that claim 23 and all claims dependent thereon distinguish over the references of record.

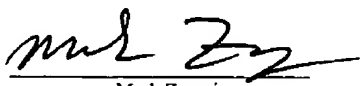
Applicants note that Cooper also fails to teach when reducing performance to always go to the next lower performance state as recited in claims 4, 18, 21, and 28. Instead Cooper goes to

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different lower performance states from the highest performance state based on whether Cooper is above or below 20% utilization.

Additionally, Applicants submit that claims 2-9, 14-18, 21-22 and 26-28 are allowable for at least the reason that they depend upon allowable claims.

Claims 1-10, 14-19, 21-24, and 26-28 are in the case. All claims are believed to be allowable over the applied art of record, and a Notice of Allowance to that effect is respectfully solicited. Nonetheless, if any issues remain that could be more efficiently handled by telephone, the Examiner is requested to call the undersigned at the number listed below.

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Respectfully submitted,



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